IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1476 OF 2005

Prashant Kumar Tewari & Ors. ...Petitioners

Versus

The Dy.Registrar of Companies & Anr....Respondents

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Ms.Dipti Raja i/b M/s.Dhru & Co. for Petitioners.

Mr.H.V.Mehta for Respondent No.1.

Mr.D.N.Salvi, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 9, 2005.

P.C.

1. Heard. The grounds raised before this Court can be effectively answered by the Revisional Court.

2. As alternative efficacious remedy is available to the Petitioners by way of revision in view of the decision of this Court in the case of **V.K.Jain & Ors. vs. Pratap V.Padode reported in**

2005(3) Mh.L.J. 778, Petition is disposed of with liberty to the Petitioners to take recourse to remedy of revision, if so advised.

3. In the present case, it has been rightly brought to my notice by the Counsel for the Respondents that this Court has already observed on 7th March 2002 in Criminal Writ Petition No.257 of 2002 filed by the Petitioners that remedy of revision against issue of process was available and it was open for the Petitioners to take recourse to that remedy. Instead of availing that remedy, the Petitioners chose to approach the Magistrate for recall of process, which relief cannot be entertained by the Magistrate.

4. As mentioned earlier, as remedy of Revision is available, Petitioners may take recourse to that remedy within four weeks from today, if so advised. The Revisional Court may consider the matter on its own merits in accordance with law. All questions are left open. Till such time, no precipitative action be taken against the Petitioners.

5. In case, there is any delay in filing Revision Application, Court will take into account the fact that the Petitioners had first approached this Court, which period may be excused in computing delay.

6. Petition disposed of on the above terms.

A.M.KHANWILKAR, J.